

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION

PROVISUR TECHNOLOGIES, INC.,  
*Plaintiff,*

v.

WEBER, INC., et al.  
*Defendants.*

Civil Action No. 5:19-cv-06021-SRB

Civil Action No. 5:20-cv-06069-SRB

**ORAL ARGUMENT REQUESTED**

**DEFENDANTS' MOTION TO EXCLUDE  
THE IMPROPER EXPERT OPINIONS OF WHITE AND MCGUIRE**

Provisur offers two purported expert witnesses to testify about alleged willful infringement, Mr. John White and Ms. Mary Rose McGuire. As discussed in the attached Suggestions in Support, both witnesses present improper legal opinions and factual narrations that are inadmissible under Rule 702 and *Daubert*. Their testimony is not probative of any actual issues in the case and serves only to present irrelevant, pejorative character evidence that runs afoul of Rules 402, 403 and 608(b). Their testimony should be excluded from trial entirely.

Dated: May 6, 2022

Respectfully submitted,

**LEVY CRAIG LAW FIRM**  
A PROFESSIONAL CORPORATION

By /s/ Jason S. Leiker  
Jason S. Leiker MO #53973  
Levy Craig Law Firm  
A Professional Corporation  
4520 Main Street, Suite 1600  
Kansas City, Missouri 64111  
816.460.1835  
Fax: 816.382.6606  
jleiker@levycraig.com

and

Daniel S. Block  
Jonathan Tuminaro, Ph.D.  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue  
Washington, D.C. 20005  
Tel: (202) 371-2600  
Fax: (202) 371-2540  
dyonan@sternekessler.com  
dbanowit@sternekessler.com  
kconklin@sternekessler.com  
dwells@sternekessler.com  
dblock@sternekessler.com  
jtuminar@sternekessler.com  
*Pro Hac Vice*  
*Attorneys for all Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule 5.1 on this 6<sup>th</sup> day of May, 2022.

/s/ Jason S. Leiker  
*Attorney for all Defendants*